

**CITY OF DEXTER  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
Monday, November 21, 2022  
7:00 pm**

**AGENDA**

**A. CALL TO ORDER**

The meeting was called to order at 7:02 pm.

**B. ROLL CALL:**

K. Becker                      C. Hill                      S. Arab                      C. Wallaker

Absent: P Mekas

Also Present: Grace Whitney, Associate Planner

**C. APPROVAL OF MINUTES**

1. October 17, 2022 Meeting Minutes

Moved Hill; seconded Arab to approve the October 17, 2022 meeting minutes with the edit of a typo of Chairman Wallaker's name

Ayes: Hill, Arab, Becker, Wallaker

Nays: None

Absent: Mekas

Motion carries

**D. APPROVAL OF THE AGENDA**

Moved Arab; seconded Hill to approve the agenda as presented

Ayes: Hill, Arab, Becker, Wallaker

Nays: None

Absent: Mekas

Motion carries

**E. STAFF REPORT**

No staff report was presented.

**F. SITE INSPECTION (CONDUCT ON OWN)**

**G. CONFLICT OF INTEREST/EX PARTE DISCLOSURE**

Mr. Wallaker asked the applicant about work on a project at 113 West Maumee in Adrian. His law office worked on the condominium documents for this project. This was in 2001 and Mr. Wallaker was not a direct participant in work. He was not employed by the law firm at the time and did not find any work his firm has done with the applicant since.

Moved Becker; seconded Arab to dismiss the question of a conflict of interest and allow Mr. Wallaker to consider this case given that he has no existing ties to the applicant through his employer.

Ayes: Hill, Arab, Becker  
Nays: None  
Abstaining: Wallaker  
Absent: Mekas  
Motion carries

Mr. Hill questioned if his home's proximity to the subject property would qualify as a conflict of interest. Ms. Whitney clarified for the board that owning property within the 300ft notification radius does not automatically constitute a conflict of interest and that his home is not adjacent to the property. It is across the street and in between is a public park. As Mr. Hill does not live directly adjacent to 7565 Ann Arbor St., he is not automatically subject to recusal as long as he feels he can provide an impartial opinion. He stated that he felt he could and the other board members agreed there was no need to consider a recusal.

## H. PUBLIC HEARINGS

1. **AP2022.23-04 ZBA 7565 Ann Arbor St.** Public hearing to consider the following variance request:

**Applicant:** Mr. Richard Williams, on behalf of the owner of the above property, Rum Properties LLC.

**Request:** 6.1-foot variance from the 10 ft side-yard setback required by section 20.01 of the City of Dexter Zoning Ordinance

Ms. Whitney presented the case to the ZBA and summarized her review findings.

Ms. Cara Bowers with Bowers and Associates, the architects for the project, gave a brief presentation to the ZBA. She stated that the consistency of the ridgeline would be most appealing and the best way to stay with the current architectural style.

Mr. Hill asked for clarification on the scope of the project as a whole. Ms. C. Bowers provided additional information on the addition to the back of the home and changes to the existing sunroom. Ms. Whitney clarified for the ZBA that the variance request they are hearing is only for the proposal to raise the 1.25 story section of the house.

Mr. Wallaker asked if there were any structural concerns that would arise from only raising the height up to the setback line. Ms. Susan Bowers with Bowers and Associates stated that there would not be any known structural concerns but the runoff patterns of the roof would have to be reconfigured. Ms. Becker stated that even though it would be doable it would look peculiar.

Mr. Hill asked the applicant and his architectural team if they had any visuals of how the roof would look if the height was only raised up to the setback line. Ms. S. Bowers provided a rough illustration drawn over one of the submitted renderings of the proposal. Mr. Hill stated that this was helpful in understanding the alternative if no variance was granted.

Chairman Wallaker opened the public hearing at 7:25 pm. There were no comments from the public. The public hearing was closed at 7:26 pm.

Mr. Wallaker stated that he was unsure that the standard of practical difficulty would be met just because of trying to make the house look nice. Ms. Becker replied that she felt that it could be because of the efforts made towards architectural preservation.

Ms. Arab stated that if the height adjustment is necessary to create the habitable space, she was concerned with how that can be done without creating an eyesore. Her biggest concern would have been the proximity to the immediate neighbor or if any of the neighbors had provided any negative comments.

Moved Hill; seconded Becker:

Based on the information provided by the applicant and staff, and following a public hearing conducted by the Zoning Board of Appeal on November 21, 2022, the Zoning Board of Appeals determines that application, AP2022-23.04 ZBA: Side Yard Setback Variance Request, submitted by Richard Williams on behalf of the property owner, Rum Properties, LLC, for property located at 7565 Ann Arbor Street (08-08-06-406-014), **MEETS** the criteria required for the considering a variance request, pursuant to Sections 24.05, sub-section F and 24.06, sub-section A.

Therefore, let it be resolved the Zoning Board of Appeals **GRANTS** the following variance from Section 20.01:

**1. 6.1 -foot variance from the required 10-foot side yard setback.**

The determination was made based on the following findings, per Section 24.05(F):.

1. The reason for the expansion is not related to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements.
2. A single-family home is a permitted use in the R-1B district.
3. The ZBA is considering the variance for the setback requirement that will not be met by the addition.
4. Moving the entire structure to eliminate the non-conformity would be burdensome to the applicant.
5. There are no apparent negative impacts to health, safety and welfare.
6. The vertical addition is reasonably necessary to provide additional habitable space in the structure.
7. A single-family home does not require full site plan review.
8. There is no proposed replacement of a structure, only expansion.
9. A single-family home is a permitted use. The addition will not create a nonconforming use.

The determination was made based on the following findings, per Section 24.06(A), of the City of Dexter Zoning Ordinance (list criteria):

1. The standard of practical difficulty is met because maintaining the historic architecture of the home with the vertical expansion would require moving the house. This would be unnecessarily burdensome on the applicant.
2. A lesser variance would not provide the applicant with substantial justice.
3. There is no apparent risk to public safety and welfare.
4. The standard of extraordinary circumstances is met because the existing conditions of the home were not a self-created hardship by the applicant.
5. There is no apparent safety, hazard or nuisance given the distance of the addition from the house on the adjacent property.
6. The addition will be harmonious with the adjacent land uses.

Ayes: Arab, Becker, Hill

Nays: Wallaker

Absent: Mekas

Motion carries

## **I. OTHER BUSINESS**

### **1. Discussion of Amendments to ZBA Bylaws**

Ms. Whitney presented to the ZBA a list of updates to the ZBA bylaws. She let them know that they needed updates to comply with the Michigan Zoning Enabling Act.

She asked the ZBA the following:

1. Should the ZBA's member ship be required to include a Planning Commissioner?
2. Should the ZBA's member ship be required to include a City Council Person?
3. Should a City Council representative to the ZBA should this member be required to be a regular member?

The ZBA determined that they would like to require a Planning Commission and Council Person representative. Mr. Wallaker stated that he had no issue allowing the City Council Person to be an alternate. Ms. Whitney reminded the board that they have not had an alternate present at any meetings so far this year and if they wanted the Council Person to be an active participant, they may want to consider requiring regular membership. The ZBA agreed that they would like the City Council Representative to be a regular member.

Ms. Whitney let the board know that she will have a final draft based on this feedback at the December 19 meeting.

## **J. ADJOURNMENT**

Moved Becker support Arab to adjourn the meeting at 7:51 pm.

Unanimous voice vote approval

Respectfully submitted,

Grace Whitney  
Associate Planner

Approved for filing: December 19, 2022